

CIVIL RIGHTS COMMISSION[161]

Adopted and Filed

Pursuant to the authority of Iowa Code section 216.5, the Iowa Civil Rights Commission hereby amends Chapter 3, "Complaint Process," Iowa Administrative Code.

These amendments streamline the filing of documents by all parties and increase public understanding of the procedures for filing the answers to questionnaires.

Notice of Intended Action for these amendments was published in the March 10, 2010, Iowa Administrative Bulletin as **ARC 8568B**. A public hearing was held on April 6, 2010. No one attended the hearing, and no written or oral comments were received. These amendments are identical to those published under Notice of Intended Action.

These amendments were adopted by the Iowa Civil Rights Commission on April 15, 2010.

These amendments are intended to implement Iowa Code section 216.5.

These amendments will become effective on June 9, 2010.

The following amendments are adopted.

ITEM 1. Amend paragraph **3.12(1)"a"** as follows:

a. Questionnaire. As soon as practicable after receipt of a complaint, the commission may draft and mail to the parties written questionnaires. Respondent and complainant may respond via regular, certified or local mail, electronic mail, or online via the commission's case management system. Complainant and respondent will receive different sets of questions as ~~they~~ the complainant and respondent typically have different items of information and different interpretations of the facts. The questionnaire will be as specific as practicable to the particular complaint.

ITEM 2. Amend subparagraph **3.12(1)"b"(1)** as follows:

(1) Respondent and complainant are required to respond in writing to their respective questionnaires. The answers ordinarily should be responsive to the questions asked, though elaboration is encouraged. If a question does not apply, the responder can so indicate. In lieu of answers responsive to the particular questions, the commission will accept written position statements, provided the statements respond to the allegations. The position statements should cover the same general subject areas covered by the questionnaire. Accompanying supportive evidence is required, including application materials, job descriptions, organizational charts, selection procedures, policies, procedures, employee handbooks, job descriptions, signed statements from witnesses, performance evaluations, discipline records, E-mails, photographs, internal investigation records, and other documents that are relevant. The documents should encompass how the complainant was treated and how persons similarly situated to the complainant were treated.

ITEM 3. Amend subparagraph **3.12(1)"b"(2)** as follows:

(2) Responses are due 30 days from the mailing of the questionnaire. Extensions will be granted on an informal basis. Requests for extensions may be oral and may be granted or denied orally. No notice of the request for an extension or of the disposition of that request need be given to the nonrequesting party. A requesting party may assume the extension is approved unless otherwise notified. Requests for extensions may be granted for 30 days or less. Extensions greater than 30 days may be subject to review by the executive director or designee. The legislature encourages preliminary screening to be completed within 120 days of the filing of the complaint; therefore, requests for extensions are strongly discouraged. A request for an extension by a party shall constitute a waiver by that party of any objection to the commission taking longer than the 120-day period to screen the complaint.

[Filed 4/16/10, effective 6/9/10]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/5/10.